

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GLEN THOMAS STEWART,

Defendant.

CASE NO. CR11-0120-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Mr. Stewart's *pro se* motion for relief from a final judgment (Dkt. No. 1200). Mr. Stewart makes this motion pursuant to Federal Rule of Civil Procedure 60(d)(3). (*Id.* at 1.) The Court has repeatedly informed Mr. Stewart that Rule 60 pertains only to civil cases. (*See* Dkt. Nos. 1170 at 1, 1195 at 2.) The Federal Rules of Civil Procedure do not apply to his case, which was a criminal matter. As such, Rule 60 can provide him no relief.

Mr. Stewart titles the present motion as "Plaintiff's motion." (Dkt. No. 1200.) From this caption and the substance of the relief sought, the Court could construe Mr. Stewart's motion as a habeas petition. However, Mr. Stewart has previously indicated that he did not want the Court to construe a prior Rule 60 motion as a habeas petition. (*See* Dkt. No. 1194.) Therefore, the Court must

1 address Mr. Stewart's request as filed and DENY the motion.

2 Mr. Stewart's motion alleges he has obtained new evidence showing that his conviction was  
3 procured by fraud through threats to and intimidation of witnesses. (Dkt. No. 1200 at 1.) He asserts  
4 violations of his Fifth, Sixth, and Fourteenth amendment rights. (*Id.* at 5.) As the Court has instructed  
5 Mr. Stewart in the past, he must pursue his constitutional arguments through a habeas petition. (*See*  
6 Dkt. No. 1195 at 2.) In order to do so, Mr. Stewart must obtain permission from the Ninth Circuit  
7 Court of Appeals to file a successive § 2255 petition.

8 Therefore, Mr. Stewart's motion for relief from final judgment (Dkt. No. 1200) is  
9 DENIED. The Clerk is DIRECTED to send a copy of this order and a printout of the case docket to  
10 Mr. Stewart.

11 DATED this 26th day of March 2018.

12 William M. McCool  
13 Clerk of Court

14 s/Tomas Hernandez  
15 Deputy Clerk  
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